

NOTICE OF ALLOWABILITY

Status of the Claims

This action is in response to papers filed 20 August 2008 in which claim 20 was amended. The amendments have been thoroughly reviewed and entered. This action is further in response to amendments discussed and agreed upon during an interview between the examiner and Mr. Feltham on 6 November 2008.

The previous rejections in the Office Action dated 24 April 2008 are withdrawn in view of the amendments. The amendments place the pending claims in condition for allowance.

Claims 20-21, 25-29 are in condition for allowance.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Neil Feltham on 6 November 2008.

The application has been amended as follows:

In Claim 27, before "single stranded DNA ligand" delete "the" and insert -- each -.

Cancel Claims 1-19.

The title has been changed to the following:

Nanoparticle complexes having a defined number of ligands

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The claims are drawn to nanoparticle complexes comprising at least 3 nanoparticles, each having one single-stranded DNA. The nanoparticles are complexed via distal portions of the DNAs which are each affixed to each other via the distal portions. The closest prior art is that of Alivisatos (as cited in the previous office action) who teaches nanoparticle complexes wherein the DNAs are affixed to the same template. However, this differs from the instantly claimed complexes wherein the DNAs are affixed to each other, examples of which are illustrated in Fig. 1 D & E. The prior art does not teach, suggest or make obvious the instantly claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Claims 20-21, 25-29 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BJ Forman whose telephone number is (571) 272-0741. The examiner can normally be reached on 6:00 TO 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on (571) 272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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